

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

Case No.: 3:97CR082-43(SEC)

**SAMUEL DELGADO-ALMODOVAR
TN: SAM HUMBERTO DELGADO-ALMODOVAR

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS AND
REQUESTING AN ARREST WARRANT**

**TO THE HONORABLE SALVADOR E. CASELLAS
SENIOR U.S. DISTRICT COURT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, MALISSA Y. APONTE, U.S. PROBATION OFFICER of this Court,
notifying the Court of supervised release violations and requesting a warrant be issued for Samuel
Delgado-Almodovar.

On October 7, 1999, Mr. Delgado-Almodovar, appeared before this Honorable Court for
sentencing having previously plead guilty to federal narcotics laws violations, specifically
Conspiracy to Possess with intent to Distribute more than 700 but less than 1,000 kilograms of
marihuana in violation of 21 U.S.C. § 846.

On said date, Mr. Delgado-Almodovar was sentenced to sixty-three (63) months of
imprisonment to be followed by a four (4) year term of supervised release with the following special
conditions: urinalysis and drug treatment, and provide access to financial information and evidence

of income tax returns being filed.

On November 8, 2002, Mr. Delgado-Almodovar was released from the custody of the Bureau of Prisons, at which time his four (4) year term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

SPECIAL CONDITION: “The defendant shall participate in a substance abuse treatment program arranged and approved by the U.S. Probation Office until duly discharged by authorized program personnel with the approval of the probation officer, and submit to urinalysis whenever required to do so by the treatment program or the probation officer”.

Mr. Delgado-Almodovar was referred to outpatient treatment with Dr. Cangiano and failed to follow through with same. As a result, he has also failed to submit to random urinalysis.

On his own accord, Mr. Delgado-Almodovar commenced ambulatory methadone treatment through ASSMCA, a mental health and substance abuse program in Ponce, PR, on October 18, 2006. However, he abandoned said treatment as of May 1, 2006.

CONDITION #2: “The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month”.

Since this officer received the case for supervision, in October 2005, Mr. Delgado-Almodovar has failed to report as instructed on various occasions. On November 4, 2005, during a home visit, Mr. Delgado-Almodovar was given specific instructions to report telephonically on a weekly basis. Since that time, only three calls were received. Furthermore, Mr. Delgado-Almodovar has failed to submit monthly supervision reports since March 2006.

In fact, Mr. Delgado-Almodovar's whereabouts were unknown to this office for some time. Various unannounced home visits and community contacts were attempted in order to investigate Mr. Delgado-Almodovar's location in order to assist him in becoming compliant with his court ordered conditions and supervision requirements. It was also feared that he had moved to California, where he has a sister. Through continual investigations, our office was able to obtain information as to where Mr. Delgado-Almodovar was working. As a result, in the late evening hours of October 3, 2006, Officer in Charge Norma Rivera was able to locate Mr. Delgado-Almodovar. He was instructed to report to our office on October 4, 2006, in order to submit a DNA sample in accordance to the law and to meet with his officer.

On October 4, 2006, Mr. Delgado-Almodovar was instructed to report telephonically with his probation officer every Tuesday. To date, he has not telephonically reported as scheduled.

CONDITION #7: 'The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician'.

_____ Due to Mr. Delgado-Almodovar's failure to report and follow through with treatment, our office has been unable to submit him to urine screens. Furthermore, during unannounced home visits, he has failed to provide us with a urine screen claiming that he is unable to provide a sample.

On the evening of October 3, 2006, when Officer In Charge Norma Rivera located Mr. Delgado-Almodovar, he admitted that he had been abusing heroin. However, he did not want to provide a urine sample.

On October 4, 2006, Mr. Delgado-Almodovar tested positive for Opiates, Codeine, Morphine, Hydromorphone and Cocaine. Although, Mr. Delgado-Almodovar tested positive to illicit drug use and verbally admitted to same, he refused to sign an acknowledgment as to having

used the referenced substances.

_____Mr. Delgado-Almodovar, while under the methadon program with ASSMCA continued to use illicit drugs which was counterproductive to the treatment provided by the program. A report from ASSMCA reveals the following positive urine screens:

10/18/05 - Cocaine, Heroin and Marihuana
11/09/05 - Cocaine and Heroin
12/19/05 - Cocaine, Heroin and Marihuana
03/24/06 - Cocaine and Heroin

_____ **WHEREFORE**, I declare under the penalty of perjury that the foregoing is true and correct. In view of the aforementioned violations, it is respectfully requested that the Court issue a warrant for Mr. Delgado-Almodovar's arrest and order the United States Marshal Service to produce Mr. Delgado-Almodovar for revocation procedures.

In San Juan, Puerto Rico, this 16th day of October, 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Dina Avila, Assistant U.S. Attorney and Luis A. Guzmán-Dupont, Esquire.

At San Juan, Puerto Rico this 16th day of October, 2006.

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